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Follow-up to the Fourth World Conference on Women: implementation of strategic objectives and action in the critical areas of concern

Thematic issues before the Commission on the Status of Women

Report of the Secretary-General

Summary

The Economic and Social Council, in its resolution 1996/6, requested the Secretary-General to submit an analytical report to the Commission on the Status of Women on the thematic issues to be addressed at each session. Four critical areas of concern from the Beijing Platform for Action were selected for consideration at the forty-second session of the Commission: "Violence against women" (chap. IV.D), "Women and armed conflict" (chap. IV.E), "Human rights of women" (chap. IV.I) and "The girl child" (chap. IV.L).

The present report takes into consideration the intergovernmental mandates contained in Commission on the Status of Women resolution 41/4 and General Assembly resolution 52/97 on violence against women migrant workers; Commission resolution 41/5 and Assembly resolution 52/98 on traffic in women and girls; and Assembly resolution 52/99 on traditional or customary practices affecting the health of women and girls.

The present report addresses strategies for accelerating the implementation of the Platform for Action in the four critical areas of concern mentioned above, drawing, *inter alia*, on recommendations from expert group meetings organized by the Division for the Advancement of Women of the United Nations Secretariat in preparation for the Commission's consideration of agenda item 3 (c).

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I. Introduction

1. In its resolution 1996/6 of 22 July 1996, the Economic and Social Council called for analytical reports to be submitted annually to the Commission on the Status of Women on the thematic issues to be addressed in connection with the implementation of selected critical areas of concern of the Beijing Platform for Action. The four critical areas selected for review at the forty-second session are: "Violence against women", "Women and armed conflict", "Human rights of women" and "The girl child". It was recommended that reports include recommendations and conclusions; identify the responsible actors; and be based on available data and information, as far as possible.

2. During 1997, the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, convened expert group meetings on three of the critical areas of concern to be taken up by the Commission on the Status of Women at its current session. The expert group meetings focused on issues that either had not previously received the attention of the Commission or in the view of the Secretariat required further exploration in light of the Platform for Action. In the critical area of concern, "Women and armed conflict", the focus of the expert group meeting was on gender persecution, as a follow-up to an earlier expert group meeting on women in power and decision-making that addressed women's participation in conflict resolution. In the critical area "Human rights of women", the focus was on women's economic and social rights, in particular the impact of gender on the conceptualization and full realization of those rights. The meeting highlighted the interdependencies among various critical areas of concern of the Platform, and the role of a rights-based approach to the implementation of the entire Platform and thus the achievement of gender equality. In the expert group meeting on "The girl child", the focus was on the rights of adolescent girls, in particular adolescent girls in need of special protection; the health of adolescent girls, including reproductive and sexual health and nutrition; and creating an enabling environment for the realization of human rights and empowerment of adolescent girls. The Division also commissioned five regional studies on violence against women, focusing on the impact of measures being taken to address domestic violence. The preliminary results of those studies have been drawn upon in preparing the present report; they will be published later in 1998.

3. The aim of the present report is to identify policy measures that may be taken to accelerate the achievement of equality between men and women, eliminate discrimination against women and empower women in the context of the Platform for Action. The recommendations of the expert group meetings and the preliminary results of the studies commissioned are set out in the present report. The reports of the expert group meetings are before the Commission as background documents in one official United Nations language only.

4. The Commission's attention is drawn in particular to sections II.B., III.B, IV. B and V.B. of the present report, which contain strategies for accelerating the implementation of the four critical areas of concern as a basis for formulating agreed conclusions.

II. Violence against women

5. The Platform for Action identifies violence against women as one of the priority concerns of the international community that calls for urgent response. The critical area "Violence against women" (chap. IV.D) categorizes such violence as an obstacle to the achievement of the objectives of equality, development and peace (para. 112). This critical area is linked with the critical area "Human rights of women" (chap. IV.I). Both critical areas classify violence against women as conduct that both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms (paras. 112 and 224). The Platform points out that in all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture (para. 112).

6. Consistent with the Declaration on the Elimination of Violence against Women contained in General Assembly resolution 48/104, the Platform for Action defines "violence against women" to mean any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Such violence encompasses but is not limited to (see Platform for Action, para. 113, and Declaration on the Elimination of Violence against Women, article 2):

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape,

sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated by the State, wherever it occurs.

7. Particular forms of violence against women are also specified in the Platform for Action (paras. 114 and 115), including violations of the rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy; forced sterilization; coercive/forced use of contraceptives; female infanticide; and prenatal sex selection.

8. The Platform for Action points out that women in all countries, irrespective of culture, class and income, are at risk of all or some of the above-mentioned forms of violence. Some groups of women, however, are especially vulnerable, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty, and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars and terrorism, including hostage taking (para. 116).

9. Knowledge about the causes and consequences as well the incidence of violence against women have greatly developed in the 20 years it has been on the international agenda.[1] Resolutions relating to various forms of violence to which women are subjected in diverse settings have been adopted by the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, the Economic and Social Council and the General Assembly. Particular manifestations of violence against women, including trafficking in women and traditional practices affecting the health of women and children, such as female genital mutilation, have been the focus of the Subcommission on Discrimination and Protection of Minorities. Reports of the Secretary-General on the differing aspects of violence against women and the vulnerabilities of particular groups of women in that regard, including migrant women workers, have been submitted to the General Assembly and various United Nations bodies. The problem has also been addressed by the specialized agencies, funds and programmes of the United Nations, including the Office of the United Nations High Commissioner for Refugees, the World Health Organization, the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the United Nations Development Fund for Women (UNIFEM), as well as United Nations treaty bodies, in particular the Committee on the Elimination of Discrimination against Women (see E/CN.6/1995/3/Add.3, paras. 12-21).

10. The Declaration on the Elimination of Violence against Women was the culmination of United Nations efforts since the adoption of the Nairobi Forward-looking Strategies[2] to address violence against women. The Declaration locates violence against women within the framework of violation of human rights obligations, categorizing it as an issue of inequality and discrimination against women, and sets out strategies that United Nations Member States and agencies should employ to eliminate its occurrence. States are urged to consider the development of national plans of action to promote the protection of women against any form of violence, and, if appropriate, to cooperate with non-governmental organizations in that regard; adopt appropriate legal provisions; introduce training for relevant sectors; address issues of education and the portrayal of images of women; promote research and the collection of data and statistics relating to gender-based violence; and adopt special measures for women who are especially vulnerable to violence. Organs and specialized agencies of the United Nations are requested to promote awareness of violence against women, and the coordination of efforts within the United Nations is encouraged (see E/1996/16).

11. The categorization by the Declaration of gender-based violence against women as a violation of their human rights and as a dimension of discrimination between women and men encouraged the Commission on Human Rights to condemn all acts of gender-based violence and to appoint a Special Rapporteur on violence against women (see Commission on Human Rights resolutions 1994/45 and 1997/44). Since her appointment, the Special Rapporteur has reported on and made recommendations relating to violence against women within the family, including domestic violence, incest, and violence related to traditions and customs, such as female genital mutilation, dowry violence and widowhood rites and in the community, including rape, trafficking in women and violence against migrant women workers (see E/CN.4/1994/42; E/CN.4/1996/53 and Adds.1 and 2; and E/CN.4/1997/47 and Adds. 1, 2, 3 and 4).

12. The recommendations adopted at the Fourth World Conference on Women with respect to violence against women built on previous efforts to address the issue both within and outside the United Nations.[3] They call for Government condemnation of violence against women and due diligence in the prevention, investigation and punishment of acts of violence against women;

implementation of existing international standards with respect to violence against women and the support of international mechanisms in that regard; adoption or effective implementation of legal measures to confront all forms of gender-based violence against women; the introduction or strengthening of awareness-raising of the various forms of violence against women, their causes and consequences, in all sectors, including through an active and visible policy of mainstreaming a gender perspective in all policies and programmes related to violence against women, research and training and education for specific groups; and provision of services for those affected by violence. Specific recommendations are also addressed to the elimination of trafficking in women and the assistance of victims of violence due to prostitution and trafficking, particularly young women and children.

13. The recommendations of the Platform for Action constitute a comprehensive policy blueprint for the elimination of violence against women, and efforts prior to and following its adoption have gone some way towards translating those policies into action. The Secretary-General's second review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women (see E/CN.6/1995/3/Add.4) described strategies to confront gender-based violence against women that were introduced at the international and national levels prior to the Fourth World Conference on Women (see E/CN.6/1995/3, paras. 23-73). Strategies are also described in the reports of the Special Rapporteur on Violence against Women, while measures introduced at the national level pursuant to the Platform for Action are outlined in the national action plans submitted by Governments to the Secretariat (see E/CN.6/1998/6) in compliance with General Assembly resolution 50/203 of 22 December 1995.

A. Recent developments and trends

1. International level

14. Since the adoption of the Beijing Platform for Action, international activity relating to violence has included the further development of legal measures and strategies to address gender-based violence against women; the identification of specific settings in which women are especially vulnerable to the risk of gender-based violence; and a continued emphasis on mainstreaming of a gender perspective in all policies and programmes of the United Nations of relevance in this regard (see agreed conclusions 1997/1 of the Economic and Social Council). The mainstreaming directive has sought to ensure that relevant policies, programme formulation and delivery, for example in the context of human rights, refugee protection, humanitarian relief and health, hitherto developed with little attention to their differential impact on women and men, take account of those differentials to promote the interests of women on a basis of equality with men.

15. The Commission on the Status of Women is currently formulating an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women that will allow women the right to seek redress for violations of their human rights, including with regard to gender-based violence. The preparatory committees for the statute of the permanent International Criminal Court have taken account of existing provisions relating to the Ad Hoc Criminal Tribunals for former Yugoslavia and Rwanda that address gender-based violence against women in times of armed conflict. The draft statute for the Court, which will be considered at an international conference of plenipotentiaries in June 1998, will almost certainly incorporate specific reference to gender-based international crimes.

16. The General Assembly, in its resolution 52/86 of 12 December 1997, adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, which have been put forward as a model of guidelines to be used by Governments in their efforts, within the criminal justice system, to address the various manifestations of violence against women. The Model Strategies, which build on the Declaration on the Elimination of Violence against Women and the Platform, aim to provide *de jure* and de facto equality between women and men, and equal access for women to justice. They outline detailed proposals with respect to criminal law and procedure; police practice; sentencing and corrections; victim support and assistance; health and social services; training for police, criminal justice officials, practitioners and professionals involved in the criminal justice system; research and evaluation; measures of prevention; and international cooperation. Specific recommendations are also made with regard to activities to follow up the Model Strategies.

17. Monitoring of the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (see E/CN.4/Sub.2/1994/10/Add.1 and Corr.1), adopted by the Subcommission on the Prevention of Discrimination and Protection of Minorities, which recommends strategies to eliminate practices, including female genital mutilation, has continued within the Subcommission (see E/CN.4/Sub.2/1996/6; E/CN.4/Sub.2/1997/10 and Add.1).

The General Assembly addressed the issue of traditional or customary practices affecting the health of women and children in its resolution 52/99 of 12 December 1995, and a report on the implementation of that resolution will be before the Assembly at its fifty-third session, in 1998. UNFPA, the World Health Organization (WHO) and UNICEF issued a joint statement on female genital mutilation in April 1997, offering collaborative support for Government and community efforts in that regard. As part of an international advocacy campaign, UNFPA appointed a Special Ambassador for the Elimination of Female Genital Mutilation in September 1997.

18. The vulnerability of women migrant workers to violence has emerged as a concern of the international community, as has trafficking in women and violence associated with prostitution, including in the context of sex tourism. The Commission on the Status of Women and the General Assembly have considered reports of the Secretary-General on the above issues (A/50/378, A/51/325 and A/52/356), and have adopted resolutions that suggest strategies relevant to those forums. In its resolutions 52/97 and 52/98 of 12 December 1997, the General Assembly invited the Commission to address violence against women migrant workers and traffic in women and girls at its forty-second session under the thematic issues "Violence against women" and/or "Human rights of women".

19. The Trust Fund in Support of Actions to Eliminate Violence Against Women, administered by UNIFEM, became operational during 1997. A number of projects, predominantly relating to advocacy and public and sector-specific education, have been resourced through the Fund (see E/CN.6/1998/9).

2. National level

20. Approaches at the national level to gender-based violence against women emphasize policy and law reform; the introduction of services for victims of violence; sector-specific and public-education and programmes; training; and advocacy campaigns to address values, attitudes and actions related to violence against women.

21. The major focus of activity, however, has remained law reform, with many Member States seeking to provide women with comprehensive legal protection from various forms of violence. Criminal and civil provisions to address violence against women in the family have been adopted, with many States recognizing that violence by a husband should be treated in the same way as violence by a stranger. Sexual violence against women by their husbands has been criminalized in several States, while others have introduced legislation relating to female genital mutilation. Innovative measures to combat stalking and harassment have been introduced in several States, as have "sex tourism" provisions that allow for the prosecution of acts of sexual abuse by nationals abroad in domestic courts. Evidentiary and procedural reforms, which seek to ameliorate court proceedings, have also been introduced with the aim of encouraging victims of abuse to come forward.

22. Governments have continued to recognize the value of shelters and refuges and "hot lines"that offer support and assist survivors of forms of violence against women and also provide a focus for social services, such as counselling, public education and outreach services. A number have acknowledged the key contribution of women's non-governmental organizations in the development of measures to address violence against women, providing them with financial support and involving them in the development of government measures to address the problem.

23. In recognition of the important role of the criminal justice system, particularly the police, in the context of gender-based violence against women, Governments have encouraged the development of units within the police to address various forms of violence. Domestic violence units, police victim support sections and other specialized services, including anti-dowry cells, have been introduced in many countries, with officers working in these units seeking to develop specific expertise in the management of various forms of violence against women. Guidelines and protocols, often with accountability procedures, have also been introduced in some countries to ensure that victims are treated with sensitivity and to provide the best opportunity for a successful outcome in any legal proceedings.

24. Education and training for various sectors have also been priorities. Many Member States have introduced or supported education and training for police, criminal justice workers and others, such as prison and immigration officers. Comprehensive gender-awareness education, incorporating modules relating to gender-based violence against women, has been introduced for the judiciary and other judicial officers. Other sectors whose education and training needs have been addressed include health-care providers, including traditional birth attendants, welfare workers and teachers. Focused education and training measures to address specific forms of gender-based violence – for example, relating to traditional practices – have also been introduced. Education materials, including guidelines and protocols and interdisciplinary curriculum guides, have been developed, and in several Member States measures of accountability have been built into education and training strategies to ensure that lessons learned are implemented. A number have

also prepared resource guides to encourage the sharing of best practices and good ideas that can be adapted for use in other settings or jurisdictions.

25. Project proposals submitted to UNIFEM for funding under the Trust Fund in Support of Actions to Eliminate Violence against Women testify to the growing acknowledgement of the importance of public education, awareness and advocacy campaigns in fostering a recognition of women's human rights, an atmosphere of public disapproval of violence against women and community responsibility for such violence. Local and national campaigns using various media, such as drama, press and print including posters, radio, television and film, have been initiated in many countries by Governments, non-governmental organizations and other sectors of civil society, including the private sector. Campaigns have ranged from general campaigns on women's human rights to very specific campaigns relating to particular forms of violence, such as female genital mutilation, sexual harassment and trafficking. In several countries, comprehensive, innovative multimedia "zero tolerance" campaigns have been initiated. Such campaigns seek to create a community consensus that violence against women is unacceptable; evaluations have suggested that they have had an important impact on public perceptions of and tolerance for the forms of violence against women that they have addressed.

B. Strategies for accelerating implementation

26. Despite the clear progress in the achievement of its objectives, concerted endeavours are still required to accelerate implementation of the Beijing Platform for Action and to have substantial impact on the elimination of violence against women.

27. Several factors continue to limit the impact of strategies that have been introduced or are proposed in this context. First, levels of understanding of violence against women and its root causes remain inadequate, with efforts to address the issue very often being reactive, focusing on symptoms and consequences instead of causes; second, approaches tend to be fragmented rather than integrated; third, sufficient resources have yet to be allocated to measures to address the problem; finally, competing values and beliefs about women, their place in the family, the community and society frequently serve to undermine the measures taken and their implementation. A number of recommendations for accelerating implementation of the Platform for Action are set out below. They recommend actions at the national and international levels based on suggestions made in various contexts, including previous expert group meetings convened by the Division for the Advancement of Women and the reports of the Special Rapporteur on Violence against Women.

28. The Platform for Action stresses the importance of developing a holistic and multidisciplinary approach to the elimination of violence against women (para. 119). It also expresses regret at the absence of adequate gender-disaggregated data and statistics, as well as documentation and research on all forms of violence against women, noting that this makes the elaboration of programmes and monitoring changes difficult (para. 120). The Platform makes specific recommendations in this regard, emphasizing the importance of wide dissemination of data and research into the impact and effect of any ameliorative measures (para. 129).

29. Member States may wish to consider developing a common basis for the collection of data and statistics on violence against women, and to recommend that all cases of violence against women, whether they are first reported to the police, health and social services, refuge or help lines or women's organizations, be systematically recorded. Member States may wish to recommend the development of guidelines and protocols for statistics and data collection, and research on violence against women.

30. In order to encourage appropriate resource allocation to address gender-based violence against women, Member States may also wish to recommend specific research into the social and economic consequences of violence against women, taking into account financial costs, such as housing, social services, health care, police protection, legal costs, lost working hours and insurance costs. Member States may also wish to recommend increased research into particular forms or sites of gender-based violence against women, such as violence against migrant women workers, trafficking and violence related to prostitution.

31. The impact of existing measures to address forms of violence against women has received little attention from researchers. As the development of effective strategies depends on knowledge of approaches that have or have not worked in the past, Member States should encourage impact assessment studies. In collaboration with international and national non-governmental organizations partners, the Division for the Advancement of Women, assisted by resources from the UNIFEM Trust Fund in Support of Actions to Eliminate Violence against Women, has commissioned regional studies on the impact of measures to address domestic violence. Further impact studies on all

forms of violence against women, successful intervention models and preventive programmes should be initiated by Member States, the United Nations and other bodies, and their results should be widely disseminated.

32. Particular emphasis should be placed on the impact of legislative, evidentiary and procedural law reform in eliminating violence against women. Most countries that have adopted strategies to address forms of violence against women have concentrated on legal measures. It is rare for the impact of such legal measures to be assessed, but they are often replicated in other settings and jurisdictions.

33. Legal change is rarely sufficient to address the inequities that women face in the justice system, particularly since legal responses and reforms in this context are usually based on a model of gender neutrality in a gender-specific area and rarely take into account the systemic inequalities in the legal system that are based on outdated sexual stereotypes. In addition, legal reforms have usually been piecemeal, so that although important legal changes may have been introduced in one area, their effectiveness has been undermined by other laws and practices. The interaction of laws has sometimes inadvertently resulted in conditions that lead to imbalances in power relations between men and women and increase women's economic and social vulnerability to violence. For example, some countries have introduced increased penalties for trafficking in women and better implementation of controls against trafficking but have not introduced complementary reforms to protect victims of trafficking, especially against deportation. Again, the intersection of laws relating to female genital mutilation in some countries with immigration legislation has increased the vulnerabilities of victims of female genital mutilation and their families. Governments should ensure that legislation is comprehensively reviewed so that laws relating to other areas do not adversely affect victims of violence against women.

34. The most enlighted, integrated and comprehensive legislative reforms are only successful if they are fully implemented. Governments should ensure that legal reforms are fully implemented by an enlighted and educated justice system. One means of ensuring implementation is the introduction of measures of accountability for police, the judiciary, medical and psychiatric facilities, social services and others with regard to their treatment of violence against women. Measures of accountability should emphasise individual responsibility for the eradication of violence against women, while at the same time emphasizing the importance of gender-based violence as a critical community and national concern.

35. Continued multifaceted and multi-targeted measures to address simultaneously specific institutions, such as the criminal justice system, the judiciary, hospitals and detention centres, the military, the workplace, health and schools, are also required. Education and training strategies need to be continued and strengthened and should always incorporate mechanisms of accountability. Model guidelines and strategies for all sectors, such as those adopted by the General Assembly with respect to crime prevention and criminal justice system (see para. 16 above) are required, as are education and training protocols and manuals. Existing training and resource manuals that have proved effective, such as the "Strategies for confronting domestic violence: a Resource Manual" (ST/CSDA/20), should be widely disseminated and translated into local languages.

36. Although education and training is necessary to change behaviour towards victims, measures to bring about profound attitude change with regard to violence, to promote the message to perpetrators that violence is unacceptable and to reassure victims that they will be taken seriously and treated sympathetically are urgently required.

37. Governments should support the development of school programmes aimed at enhancing awareness among girls and boys of gender-based violence and its links with discrimination on the basis of sex. Programmes of peer mediation and conflict resolution for children should be developed, and special training for teachers to equip them to teach cooperation in the classroom should be introduced. Such programmes and training should be monitored for effectiveness and routinely shared among Member States. Education and training for all disciplines should incorporate non-violent conflict resolution and mediation skills.

38. Comprehensive public awareness and advocacy strategies seeking to make gender-based violence against women a critical concern to everyone should also be introduced. Such campaigns as the successful "zero tolerance" campaigns should be replicated and their results monitored. Steps should also be taken to address the generally harmful consequences arising from stereotypical definitions of male and female behaviour and the links between masculinity and violence. The notions that male violence against women is a natural expression of masculinity and that women are helpless and subordinate to men require constant challenge, and steps must be taken to ensure that media portrayals and expressions of popular culture do not reinforce those notions and thereby undermine existing measures to confront forms of violence against women. Governments and other actors should encourage the promotion of strong images of women and media portrayals

of men as cooperative, sensitive and full partners in the upbringing of children.

39. Governments should explore ways to emphasise the positive roles that men can play in preventing violence against women, and should also introduce programmes for perpetrators of violence against women that encourage men to take responsibility for their actions and to change their behaviour towards women. Programmes should be evaluated and successful interventions shared and replicated in other settings and jurisdictions.

40. Governments should recognize the role of non-governmental organizations in combating violence against women and should actively support their development, including through providing financial support.

41. Consistent with the Declaration on the Elimination of Violence against Women and the Platform for Action, Governments should recognize violence against women as one of the results of the subordination of women, and should recognize the relationship between this issue and other areas of discrimination. Governments should also recognize the connection between forms of gender-based violence against women and other forms of discrimination, and should introduce broad efforts to increase women's economic and social autonomy. They should ensure that women's human rights are fully respected and that the Convention on the Elimination of All Forms of Discrimination against Women is fully implemented.

42. The impact of the Inter-American Convention on Violence against Women should be closely monitored by Member States. Governments should consider the possibility of adopting a comprehensive international legally binding instrument on violence against women, perhaps as a protocol to the Convention on the Elimination of All Forms of Discrimination against Women. In the interim, Governments should consider introducing a voluntary reporting obligation to the Declaration on the Elimination of Violence against Women that would call for biennial reports on the implementation of the Declaration in Member States, including assessment of the impact of measures introduced.

43. States should ratify and comply with International Labour Organization (ILO) conventions on the rights of migrant workers so as to reduce violence against women migrant workers. States should actively address the abuse of the rights of migrant workers, particularly women. States should ensure that migrant workers have the right to review their contracts in advance and are ensured of a minimum wage of regular and appropriate wages, maximum hours of work, paid holidays and social security/welfare benefits at least equal to those of their own nationals.

44. Governments should encourage coordination and cooperation between United Nations bodies and agencies with respect to violence against women. The United Nations should be requested to establish a readily accessible database of good practices and lessons learned relating to gender-based violence.

III. Women and armed conflict

45. Chapter II of the Beijing Platform for Action notes the change in international politics as a result of the end of the cold war and diminished competition between the super-Powers, including reduced threat of global armed conflict and improved international relations and prospects for peace between nations. At the same time, it recalls that wars of aggression, armed conflicts, civil wars and terrorism continue to plague many parts of the world and that grave violations of the human rights of women occur, particularly in times of armed conflict, and include murder, torture, systematic rape, forced pregnancy and forced abortion, in particular under policies of ethnic cleansing (para. 11).

46. The critical area "Women and armed conflict" (chap. IV.E) of the Platform for Action addresses the effect of armed and other kinds of conflict on women, including those living under foreign occupation. It emphasizes that peace is inextricably linked to equality between women and men, but that aggression, foreign occupation, ethnic and other types of conflicts are an ongoing reality affecting women and men in nearly every region. Noting that international humanitarian law, which prohibits attacks on civilians, is at times systematically ignored, and that human rights are often violated in armed conflict, affecting the civilian population, especially women, children, the elderly and the disabled (para. 131), the Platform states that although entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex (para. 135).

A. Recent developments and trends

47. Women civilians and combatants may become targets of abuse from different aggressors, including regular army and militia members, irregular forces and members of their own community. Although the abuses that women experience take many different forms, recent extensive and reliable evidence has documented their particular vulnerability to sexual abuse, rape, sexual mutilation,

sexually humiliating treatment, forcible impregnation, sexual slavery and forcible prostitution (see S/1994/674; E/CN.4/1994/5; E/CN.4/1993/50, para. 61; A/51/657, paras. 16-18; E/CN.4/Sub.2/1996, para. 10).

48. Reports suggest that gender-based abuses are not an accident of war, nor incidental adjuncts to armed conflict. Rather, these forms of persecution reflect the inequalities that women face in their everyday lives in peacetime. They may also constitute a deliberate strategy designed to intimidate or undermine and inflict deep and lasting damage on entire communities. The Special Rapporteur on Violence against Women has suggested that gender-based persecutions, such as rape, in situations of armed conflict, are not sexual but aggressive acts, providing satisfaction because of the humilation and helplessness of the victim. She has noted that these abuses are used as instruments to punish, intimidate, coerce, humiliate and degrade (see E/CN.4/1995/42, paras. 277-281).

49. Mass groups of citizens flee the destruction and physical harm caused by conflict and become internally displaced persons or refugees. The majority of these uprooted and displaced persons are females of all ages, including unaccompanied girls and older women whose male family members are combatants, have disappeared or died. Refugee women and girls, particularly those with inadequate documentation or who are single and unaccompanied, are especially vulnerable to physical and sexual abuse during flight, on arrival in refugee camps and in the country of ultimate settlement.[4] Internally displaced women are often even more vulnerable because the Governments that have been unable to prevent their displacement remain responsible for their safety while they are displaced. Perpetrators include the military, bandit gangs, border guards, army and resistance units and male refugees (see E/CN.4/1995/42, paras. 297-302).[5]

50. Problems faced by women in refugee camps include lack of physical security and privacy, sexual exploitation, physical and mental illness, lack of suitable occupation and income-generating opportunities, and lack of control over matters traditionally within their domain. The social dislocation and disruption that accompanies flight from armed conflict may also lead to increased intimate violence.

51. At the same time, during times of armed conflict and the collapse of society that it entails, women, whether or not displaced, play an especially important role in attempting to preserve social and familial order. Historically, neither the particular forms of harm suffered by women nor their role in maintaining some form of social order during conflict and in post-conflict reconstruction have been addressed in legal and political processes.

52. Victims of gender-based abuses, such as rape and other sexual assaults, in armed conflict are faced with overwhelming problems. Like victims of such crimes in times of peace, they may feel ashamed and fearful of rejection and ostracism by their families and communities. In times of conflict, however, their trauma extends beyond their personal suffering to encompass the conflict. Family members and friends may have been killed during the conflict, and their personal problems may appear to them to be of little significance. Those who have become pregnant by force or as a result of rape may experience particular problems, and may reject, deny or conceal the pregnancy, attempt self-induced abortion or suicide. Many victims may experience sexual and reproductive health problems but may be reluctant to seek help because of shame or fear of stigmatization. Health problems may include sexually transmitted diseases, including human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), the consequences of mutilation and complications resulting from unsafe abortion. They will also be psychologically scarred by their own experiences and those of their families and communities.

53. Significant developments in the treatment of harms experienced by women in situations of conflict have occurred. The ad hoc Tribunals for war crimes committed in former Yugoslavia and Rwanda both explicitly incorporate rape as a crime against humanity within their jurisdictions. The statute of the Rwanda Tribunal also expressly includes rape, enforced prostitution and any form of indecent assault as a violation of article 3 common to the Geneva Conventions and of Additional Protocol II. Through prosecutorial policies, sexual violence has been charged under the statute of the former Yugoslavia Tribunal as constituting a grave breach of the Fourth Geneva Convention Relative to the Protection of Civilians in Times of War, as constitutive of enslavement and torture, and as crimes against humanity.[6] Indictments have now been issued by both Tribunals charging sexual violence as genocide.[7] The rules of procedure and evidence of the Tribunals recognize the need for particular evidentiary exclusions in cases of rape and sexual assault. The statute and rules of the Tribunals also provide for a range of other protective measures for witnesses testifying in Court (see S/25704, para. 108).

54. The United Nations Compensation Commission, which was created by the Security Council to compensate for losses suffered as a result of Iraq's unlawful invasion of Kuwait in 1990, recognized sexual violence as a compensable

war-related harm.[8] The General Assembly Preparatory Committee on the Establishment of a Permanent International Criminal Court has included rape and other forms of sexual violence as crimes over which the proposed court would have jurisdiction. The Inter-American and European regional human rights bodies have found rape in conflict to constitute violations of the human rights obligations of States under their respective human rights conventions.[9] At the national level, criminal and civil proceedings have been initiated against individuals alleged to have perpetrated gender-based violence against women in conflict situations.[10]

55. In 1991 the Office of the United Nations High Commissioner for Refugees (UNHCR) issued guidelines on the protection of refugee women that were designed to help the staff of UNHCR and its implementing partners to identify the specific protection issues, problems and risks facing refugee women. *Inter alia*, the guidelines cover assessing the protection situation of refugee women, addressing the physical security and legal protection problems that they face, and methods for improvement in camp design and operation. UNHCR has also issued more specific guidelines on the prevention of and response to sexual violence among refugees, which examine the nature and causes of sexual violence against refugee women and propose measures to prevent its occurrence. Some States have formulated guidelines for decision makers with respect to gender-related asylum claims.[11]

B. Strategies for accelerating implementation

56. Further progress is required before the actions identified in the Platform for Action are implemented fully and women no longer experience violations of international humanitarian and human rights law in times of armed conflict, or as refugee or displaced women. The Division for the Advancement of Women convened an expert group meeting on gender-based persecution, organized jointly with the Centre for Refugee Studies at York University, Toronto, from 9 to 12 November 1997.[12] Emphasizing the interconnections between the critical area "Women and armed conflict" (chap. IV.E) and other parts of the Platform for Action, including the critical areas "Violence against women" (chap. IV.D) and "Human rights of women" (chap. IV.I), the meeting made recommendations relating to legal definitions and standards; training, education and dissemination; the participation of women in decision-making; and implementation, monitoring and accountability. The recommendations for action at the national, international and regional levels are set out below based on the results of the expert group meeting.

1. Protection during armed conflict

57. Greater efforts are required to understand the particular ways in which women are affected by armed conflict. Sexual violence is only one aspect of the problems confronting women in armed conflict. Governments, intergovernmental organizations and non-governmental organizations should be encouraged to collect and disseminate information and statistics about the effect of armed conflict upon women in all areas of their lives. Greater attention should be paid to understanding the way that characteristics other than gender, including race, ethnicity and sexual orientation, play in determining the way that women experience armed conflict. The fact-finding and monitoring capacities of United Nations human rights mechanisms, and national and international non-governmental organizations should be strengthened.

58. Special attention should be directed to the long-term health needs of women affected by armed conflict, including psychological needs arising from trauma and the effects of violations of reproductive rights, such as being forced to bear children or denied the freedom to bear children. The experts proposed that initiatives to maintain and reconstruct health systems during and after conflict should be taken by Member States and United Nations bodies, including WHO, to focus on the provision of physical and mental health services for women who have suffered the effects of armed conflict.

59. The expert group meeting recommended that the Office of the United Nations High Commissioner for Human Rights ensure that gender is fully incorporated as a component in its field operations. The Office and other United Nations system field operations should draw on the expertise within the United Nations, including in the Division for the Advancement of Women, UNIFEM and UNICEF, non-governmental organizations and others, as appropriate, to develop gender sensitive methodologies and guidelines and take cognizance of violations of women's human rights.

60. Member States should ensure that support is made available to the United Nations High Commissioner for Human Rights to take measures to ensure the security of human rights monitors in order to facilitate the performance of their tasks.

61. Experts recommended that the gender issues that arise in the creation or operation of "safe havens" or "secured zones" as a means of protection in situations of armed conflict should be examined. An expert group meeting

should be convened to consider peace-keeping forces, their membership and accountability, and their role in the protection of civilians, including women and men, in areas of armed conflict, with special reference to the internally displaced and those located in or moved to safe havens or security zones.

62. Member States, international and regional intergovernmental organizations and others should ensure that camps for refugees and those who are internally displaced are designed in accordance with the 1995 UNHCR guidelines on preventing and responding to sexual violence against refugee women, which seek to minimize the opportunities for sexual and other forms of violence against women. Steps should also be taken to ensure that women are closely involved in the distribution of humanitarian supplies to ensure their needs are taken into account.

63. United Nations human rights treaty bodies should be encouraged to take account of sexual violence and other abuses against women in situations of armed conflict, as well as abuses experienced by refugee women and those who are internally displaced, in their consideration of the reports of States parties, as they formulate general comments and recommendations, and in their procedures, such as investigations initiated under article 20 of the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment.

64. States parties to treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women, should include information on the measures that they are taking with respect to protecting, respecting and fulfilling the human rights of women refugees and asylum seekers, internally displaced women, returnees and women affected by armed conflict, both within their borders and beyond, in their initial and periodic reports.

2. Legal definitions and standards

65. Existing and future international legal definitions and standards should be examined to determine whether they adequately encompass claims brought by women and address women's interests. Women's interests must be incorporated in mainstream legal principles, and definitions should reflect the progressive development of the law. Particular care should be taken to ensure that a gender perspective is incorporated in the proposed international criminal court.

66. Experts suggested that the governing statute of the proposed court should declare in its substantive part that all its provisions be governed by the international legal norm of non-discrimination on the basis of sex. Sex-based crimes should be referred to in the statute of the court and defined in such a way that their definition can evolve in accordance with the progressive development of international law.

67. Redress for victims of armed conflict, in particular compensation for women subjected to sexual violence, including in the framework of the court, should be a priority for Member States.

68. Sexual violence in armed conflict should be considered as constituting torture as defined in international human rights law. In appropriate cases, sexual violence should be prosecuted as torture before the ad hoc war crimes tribunals and the court.

69. Member States should fully cooperate with the ad hoc Tribunals and the proposed court in order to ensure that those bodies operate effectively. Member States should introduce legislation and other measures at the national level, providing, *inter alia*, for the service of arrest warrants and the extradition of alleged international criminals.

70. Member States should recognize that discrimination in the interpretation and application of the 1951 Convention Relating to the Status of Refugees and its 1977 Protocol is in contradistinction to the Convention on the Elimination of All Forms of Discrimination against Women. States parties to the Refugee Convention should adopt guidelines relating to gender-related asylum claims. The definition of "refugee" in the 1951 Convention and its 1977 Protocol should be interpreted in accordance with international human rights and humanitarian law.

71. Sexual violence in the context of armed conflict should be regarded as "persecution" in international refugee law. Where a woman's sex or gender is a significant reason for persecution, her fear of persecution should be recognized by decision makers because of her membership in a particular social group under the Convention Relating to the Status of Refugees.

3. Training, education and dissemination

72. Information on the jurisdiction and procedures for accessing the ad hoc war crimes Tribunals, human rights treaty bodies, and other relevant mechanisms should be widely and actively disseminated by Member States, the United Nations system and non-governmental organizations, including to women's groups and in local languages.

73. Adequate professional support and appropriate gender training should be provided for all departments of the ad hoc war crimes Tribunals and the proposed international criminal court, especially the witness protection unit of the registry.

74. Legal education, including continuing legal education for members of all levels of the legal profession, should

incorporate international humanitarian law, human rights law and gender issues. Continuing legal education should be available to the office of the prosecution, the staff of the registry and the members of the defence bars of the ad hoc war crimes Tribunals, the proposed international criminal court and the international judiciary.

75. Support for the continuing development and psychological needs of the staff members of the ad hoc war crimes Tribunals, human rights monitors and special rapporteurs should be made available, such as through the appointment of professional counsellors.

76. An adequate protection programme for witnesses and potential witnesses and other forms of ancillary services, including physical and mental health, social and other services to promote the interests of witnesses and potential witnesses and to ensure the effective functioning of the ad hoc war crimes Tribunals and the proposed international criminal court, should be ensured. A trust fund to assist in the provision of financial resources for witness protection and related services should be established.

77. The expert group meeting emphasized that all relevant international bodies, including the International Law Commission, the ad hoc war crimes Tribunals, the proposed international criminal court, the human rights treaty bodies, and extra-conventional human rights mechanisms, should reflect an equitable gender balance at all levels. The recruitment, appointment and promotion of all staff, including at the ad hoc war crimes Tribunals and the proposed courts should be transparent and governed by the policy statements of the Secretary-General with respect to gender balance within United Nations agencies. The same principles should apply to seconded personnel. States should be required to conform to the policies of gender balance, gender integration and gender mainstreaming agreed in the Beijing Platform for Action, General Assembly resolutions and the agreed conclusions 1997/2 of the Economic and Social Council mainstreaming a gender perspective into all policies and programmes of the United Nations system. Gender balance in international judicial posts should be an explicitly stated goal, and should be a consideration in judicial appointment, alongside the existing requirements of geographic distribution and professional and personal qualities. Networks to identify appropriate candidates should be established and databases maintained by the Division for the Advancement of Women. The Office of the United Nations High Commissioner for Human Rights and the Special Adviser on Gender Issues and Advancement of Women should develop proactive roles in monitoring those policies.

78. In order to minimize the trauma for women associated with talking about sexual violence, the ad hoc war crimes Tribunals and the proposed international criminal court should ensure that female investigators, translators and other necessary personnel are available.

79. The expert group meeting recommended that all United Nations peacekeepers should receive training in international humanitarian law, human rights law and gender issues. The training and pre-training programmes of United Nations peacekeepers with regard to their mission should reflect sensitivity to women's security rights and be informed on cultural specificities. Trainers should include civilians, women and experts in gender issues. The code of conduct for United Nations peacekeepers, which, *inter alia*, addresses behaviour of forces with respect to women, should be kept under review and its impact monitored for effectiveness. In the training of peacekeeping forces and preparations of materials for that purpose, the expertise of the Division for the Advancement of Women, UNIFEM and UNICEF should be drawn upon and utilized. The impact of training should be independently monitored, evaluated and assessed on a long-term basis.

80. Mechanisms for monitoring the behaviour of peacekeeping forces should be introduced, particularly with respect to the impact of their activities on women. Monitoring mechanisms should be accessible to affected civilians, and should reflect the views of the civilian population. Alleged violations of human rights by United Nations peacekeepers should be investigated, and should attract disciplinary action and appropriate sanction.

81. The experts also proposed that ad hoc committees to consider the deployment of peacekeeping forces in particular areas or in respect of particular conflicts should be established, and should work in partnership with UNHCR, the Division for the Advancement of Women and UNHCR with a view to ensuring full protection of human rights for all and a gender-sensitive approach in situations of armed conflict.

82. In accordance with their legal obligations in the Geneva Conventions, States should ensure the dissemination of those Conventions and their Additional Protocols at the national, regional and international levels. Steps should be taken to disseminate and enhance the understanding of the substantive law of the ad hoc war crimes Tribunals, and – as it emerges – of the proposed international criminal court. Standards in international human rights instruments and methods of implementing those standards should also be widely disseminated. Electronic as well as traditional means should be used for the purposes of dissemination.

83. Tolerance for diversity, respect for human rights and gender sensitivity should be included in national education curricula at primary, secondary and higher levels, including in teacher training. Curricula should also incorporate international humanitarian law and human rights law, including the jurisdiction and work of the ad hoc war crimes Tribunals.

84. Land-mine awareness classes that are accessible to everyone, including women, should be conducted in afflicted areas.

85. States should be encouraged to ensure full incorporation and implementation of international humanitarian law, including the jurisprudence of the ad hoc war crimes Tribunals and the proposed international criminal court into national legal systems. Law enforcement personnel should be trained with respect to the obligations resulting from this body of law, in particular its gender-related aspects.

86. The training of all persons involved in refugee determination should include the impact of trauma, cultural difference and sex difference on the willingness of women to disclose gender-based persecution, their ability to present their stories, and assumed links between demeanour and credibility. Training materials consistent with the guidelines of UNHCR should be developed by States and made available to others. Compliance with training directives should be monitored and the impact of training independently assessed.

87. The International Committee of the Red Cross (ICRC) should be encouraged to take further steps to increase the gender-sensitive interpretation of international humanitarian law, including practices and policies relating to internally displaced women. ICRC should be encouraged to enhance the status of its 1992 aide-mémoire relative to sexual crimes in times of war and make it more widely known.

IV. Human rights of women

88. Attention to the human rights of women has acquired a new dimension over the course of the last decade. Although the 1985 Nairobi Forward-looking Strategies for the Advancement of Women proposed various basic strategies for women's legal equality in its chapter on equality, little attention was paid to international human rights law as a framework and an obligation of Governments in the realization of women's equality in the chapters on development and peace. Since then, the Vienna Declaration and Programme of Action and the Beijing Declaration and Platform for Action, as well as other global United Nations conferences and summits of the 1990s, have reaffirmed that enjoyment by women of their human rights is a priority for Governments and the United Nations and essential for the advancement of women (Vienna Declaration and Programme of Action, para. II.36; Platform for Action, para. 213).

89. Mainstream national (see E/CN.6/1998/6) and international mechanisms for the protection and promotion of human rights, including United Nations human rights treaty bodies, non-conventional mechanisms, such as the Commission on Human Rights and its special rapporteurs, working groups and similar mechanisms (see E/CN.4/1997/40) are increasingly paying attention to the full and equal enjoyment by women of their human rights and to violations of human rights that are particular to women. These mechanisms are also increasingly responding to the challenge of paying attention to gender factors that affect women's ability to enjoy fully and equally all human rights they are entitled to.[13] Non-governmental organizations and organizations of civil society continue to be critical actors in awareness-raising regarding women's enjoyment of their human rights. In those efforts, the Convention on the Elimination of All Forms of Discrimination against Women[14] and the work of the Committee on the Elimination of Discrimination against Women, together with the Platform for Action, provide an essential basis and guidance for a gender-sensitive conceptualization, interpretation and implementation of human rights.

90. Human rights require that States accord priority consideration to their fulfilment (see Beijing Platform for Action, para. 213; Vienna Declaration and Programme of Action, paras. I.1, I.4 and II.36). Rights are not simply a matter of policy choices for Governments but impose legally sanctioned duties to respect and ensure the rights in question. Moreover, the full recognition of rights requires the creation of effective channels of redress to hold States accountable for violations of those rights. Guaranteed rights are reinforced by international mechanisms of monitoring and supervision that ensure governmental accountability for their implementation and realization at the national level. Women's empowerment is advanced by establishing concrete standards and mechanisms of accountability for violations of human rights, encompassing civil and political rights, as well as economic, social and cultural rights. Thus, the rights approach is being increasingly pursued by women, women's organizations and other entities seeking to promote gender equality and women's empowerment.[15]

A. Framework for women's enjoyment of human rights, with emphasis on economic and social rights

91. The Beijing Declaration (para. 38) and Platform for Action provide a framework for translating the provisions and positive forces of human rights law into concrete actions for achieving gender equality. Building upon the Vienna Declaration and Programme of Action and taking it further, the Platform for Action devotes one of its 12 critical areas of concern to "human rights of women" (chap. IV.I), and takes a comprehensive approach to women's human rights, calling for an active and visible policy of mainstreaming of a gender perspective in all policies and programmes (para. 229). It underlines the importance of gender analysis in addressing the systematic and systemic nature of discrimination against women in order to achieve the full realization of human rights for all (para. 222). Both the Fourth World Conference on Women and other recent United Nations conferences have contributed to the understanding that women's equality and non-discrimination between women and men, as well as women's equal enjoyment of human rights and fundamental freedoms, do not occur automatically as a result of the overall protection and promotion of human rights (see Platform for Action, para. 215; Vienna Declaration and Programme of Action, para. I.18). They have thus strengthened an approach whereby these goals are to be addressed explicitly and systematically at all stages of the implementation of human rights instruments and conference outcomes, including in the conceptualization of the protected rights and freedoms.

92. Human rights and fundamental freedoms are inherent in the human person and belong to women and men alike. Referring to equal entitlement guarantees contained in major international human rights instruments, mainstream human rights approaches have long insisted on the presumption that human rights norms are gender neutral or unaffected by gender. However, structural imbalances of power between women and men, the systemic nature of discrimination against women, and the general absence of women in law creation and implementation continue to reflect disproportionately the experiences of men and exclude the experiences of women. These imbalances also influence the generally accepted understanding of international human rights law, whose structure and substance may present or preserve obstacles to women's equality. Many of the substantive norms of international law are defined in relation to men's experience, and are stated in terms of discrete violations of rights in the public realm. In addition, inattention to rights of particular interest to women in the international human rights discourse has resulted in neglect and pervasive denial of the rights of women, in particular in the private sphere. These factors have contributed to a lack of enjoyment of human rights by women that has gender-specific explanations at its roots.

93. Women's equality cannot be achieved by treating women and men identically, nor through protective measures for women. Identical treatment ignores women's and men's different social realities and gendered roles. Protective measures for women do not challenge the source and nature of women's subordination and tend to perpetuate gender stereotypes. A focus on gender recognizes that women's unequal status is based on and is perpetuated by structures of systemic inequality and discrimination against women. The standard of measurement in the realization of women's equality is not the current male standard of equality, which would simply be a reaffirmation of the status quo. Rather, a new standard of equality should be envisaged based on a reconsideration of current assumptions and a reconceptualization of the meaning of equality from a gender perspective to reflect the visions, interests and needs of women as well as those of men.

94. The Vienna Declaration and Programme of Action noted that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis (para. I.5). Notwithstanding the firm commitment to the indivisibility and interrelatedness of all human rights (as reaffirmed in the Beijing Platform for Action, the Vienna Declaration and Programme of Action, and elsewhere), economic and social rights remain less well understood than other human rights, and are treated by States in a different way than civil and political rights.[16] Although various justifications for such differential treatment have been advanced, it has also been emphasized that both civil and political and economic and social rights entail positive and negative obligations, obligations of conduct and of result, and obligations to respect, protect, and promote and fulfil.[17]

95. Women face constraints and vulnerabilities which differ from those that affect men and are of significant relevance in the enjoyment of human rights. In addition, these variables mean that women may be affected by violations of economic and social rights in ways that are different from men. Gender factors thus need to be fully integrated at all three levels of States' duties in relation to economic and social rights - the duties to respect, protect, and promote and fulfil.

96. Women are disproportionately affected by poverty and social marginalization, and systemic and systematic

discrimination against women result in deep patterns of inequality and disadvantage. Many women experience multiple barriers in gaining access to economic and social rights, such as employment, housing, land, food and social security. Those barriers include the disproportionate burden of reproductive and caring work performed by women; the sexual division of labour and segregated employment practices; discriminatory traditional and cultural laws and practices; unequal representation by women in political and other decision-making structures at all levels; and widespread violence perpetrated against women. These constraints are particularly acute for women who also face discrimination on one or more other grounds (see Platform for Action, para. 225). Even when women do have access to socio-economic rights, they frequently experience discrimination in the enjoyment of those rights. This discrimination is manifested, for example, in unequal pay for work of equal value, inferior benefits under social assistance programmes (as compared to the more favourable benefits under social insurance schemes) and insecure tenure to land and housing.

97. Proactive policies are required to ensure that women enjoy economic and social rights. However, the explicit and implicit inequalities that affect women's enjoyment of those rights can be exacerbated by policies introduced to ensure that women fully enjoy economic and social rights if policy makers fail to take account of the reality of the lives of women as well as men. In most societies, women and men do not occupy the same position. For example, although poverty affects both women and men, women experience poverty differently from men.[18] Measures introduced to address poverty that fail to take account of the differential impact of poverty resulting from gender may serve to exacerbate and entrench this violation of economic rights where women are concerned: by failing to address gender, they may also fail to support and strengthen women's capacity to break the cycle of poverty.

98. The rights of women to enjoy civil, political, economic and social rights are often subsumed in a wider societal struggle for the realization of rights. For example, women's rights to enjoy economic and social resources are frequently postponed until all members of society are able to take full advantage of those rights. Far from diluting the wider societal struggle for the realization of economic and social rights, the identification of women's independent entitlement to those rights can strengthen the general quest for realization of human rights. In addition, postponing women's entitlement to full enjoyment of human rights entrenches and legitimizes existing inequalities based on gender. Therefore, specific constraints affecting women in the enjoyment of economic and social rights should be identified in the societal struggle for rights so that inequalities within societies can be addressed at an early stage and a measure of gender equality ultimately achieved.

99. A gender-sensitive methodology needs to be adopted to ascertain the extent to which women enjoy economic and social rights and to determine violations of those rights. Data disaggregated by sex and gender-specific information help to ensure that the different experiences of women in the enjoyment of those rights, as well as their violation, are rendered visible, especially since violations of women's economic and social rights are seldom perceived as such.

100. It is important to interpret existing human rights norms creatively so that they can be applied to those experiences of women that are different from those of men. Since there are an infinite variety of ways in which women's work can be rendered invisible and their contribution to society can remain unaccounted for, Governments have a responsibility to make those activities visible. Many opportunities are available to United Nations human rights treaty bodies and other monitoring mechanisms for creative interpretation. Such mechanisms need to be perceptive and sensitive to the activities of women in different societies that meet an innovative and gender-sensitive definition of work. The definition of some economic and social rights in existing instruments that are not based explicitly on the experiences or realities of women's lives might need to be supplemented by newly formulated rights that take account of the life patterns of women.

B. Strategies for accelerating implementation

101. It was against this background that the Division for the Advancement of Women convened an expert group meeting on the theme "Promoting women's enjoyment of their economic and social rights", organized jointly with the Institute for Human Rights at the Åbo Akademi University of Turku (Åbo), Finland, from 1 to 4 December 1997.[19] Focusing on economic and social rights of women not only allowed the expert group meeting to consider the critical area of concern "Human rights of women" (chap. IV.I) of the Platform for Action but also emphasized the interrelationship of this area of the Platform with other critical areas of concern. In particular, it drew attention to the connections with the critical areas "Women and poverty" (chap. IV.A) and "Women and the economy" (chap. IV.F). These interdependences highlight the rights-based approach that underlies the Platform for Action and the pivotal role these

rights play with regard to the overall goal of the Platform for Action: the achievement of gender equality. Recommendations for action at the national level and at the international and regional levels are set out below based on the expert group meeting.

1. Action at the national level

102. Although many actors have a role at the national level in promoting women's enjoyment of their economic and social rights, primary responsibility for ensuring enjoyment of those rights rests with Governments, as follows:

(a) Constitutional guarantees and the legal framework: Governments should guarantee economic and social rights in national Constitutions; put in place the necessary legislative and regulatory framework guaranteeing a gendered interpretation of these rights; regulate the activities of individuals or groups so as to prevent them from violating women's economic and social rights, and enforce such regulations; and create and maintain infrastructure that provides remedies for violations through acts of omission or acts of commission of economic and social rights, and strengthen domestic enforcement mechanisms;

(b) National action plans: national action plans on human rights of women should cover strategies for implementing treaty obligations and responsibilities from other instruments containing human rights commitments into national law and policy; contain methodologies that identify different types of women's experiences and needs in the area of human rights; cover data collection and the development of qualitative indicators, and establish time-bound, targeted outcomes and specific steps to achieve those outcomes; allocate and reallocate resources to implement plans and reflect gender policies in national budgets; create and/or maintain an institutional framework to enable women to enjoy, enforce and protect their rights, and to increase women's legal literacy; and establish visible and transparent reporting mechanisms on progress in the implementation of the plan;

(c) Gender-sensitive policies: Governments should establish national gender equality objectives, based on the appropriate constitutional mandate and the legal framework; review and formulate development policies in all areas, such as in the areas of agriculture, health, education, work and employment, in a way that targets explicitly the enjoyment by women of their economic and social rights; and establish monitoring systems to assess the impact of policies on particular violations that women encounter with a view to reviewing and revising those policies. Policies should aim to ensure women's equal access to economic resources and secure land tenure;

(d) National human rights institutions: independent national human rights institutions should be mandated to monitor explicitly the situation with regard to women's enjoyment of human rights, including their socio-economic rights; should have the power to request relevant information from State organs on measures taken towards the full realization of economic and social rights of women and should have the power to recommend legislative and policy changes; should have the mandate to conduct public inquiries to investigate human rights issues, identify structural problems, recommend solutions, and educate the general public on human rights matters, particularly women's human rights issues; and should collaborate closely with national machinery for the advancement of women;

(e) Public awareness and civil society actions: public awareness campaigns should be conducted to publicize women's human rights issues, including violations of these rights. Civil society should be involved through participatory processes in the development of plans to promote and protect women's enjoyment of socio-economic rights. They should also be involved in setting realistic targets, monitoring progress and contributing to the implementation of such plans.

2. Action at the international and regional levels

103. Full integration of gender factors in all policies and programmes of international and regional organizations is important for accelerating women's enjoyment of their human rights. Relevant mandates emanating from the Commission on the Status of Women, the Economic and Social Council and the General Assembly on gender mainstreaming should be implemented and effectively integrated in all activities of these bodies. Greater collaboration between international and regional bodies dealing with human rights and gender equality should be pursued. Further efforts are necessary to move beyond recognition to gender-sensitive interpretations of economic and social rights and the development of strategies for ensuring their implementation.

104. The following recommendations are addressed to specific bodies and mechanisms:

(a) United Nations Charter-based bodies:

(i) All Charter-based bodies should pay greater attention and devote more time to economic and social rights and the gender dimensions of those rights;

(ii) The work on the drafting and adoption of optional protocols establishing communications procedures under the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights should be completed as soon as possible, especially since it is in the framework of such individual communications procedures that the gendered content and meaning of such rights can be clarified and given form and substance;

(iii) The Commission on the Status of Women should give further consideration to enhancing the communications procedure of the Commission to make it an effective instrument for remedying violations of women's human rights, including women's economic and social rights, in particular by increasing the transparency of the procedure and ensuring the independence of the body reviewing communications;

(iv) The Commission on the Status of Women and the Commission on Human Rights should keep under review obstacles and progress in the field of women's rights relating to economic resources in order to ensure progress in realizing women's economic and social rights. To that end, the Commission on the Status of Women should consider the appointment of a thematic special rapporteur in the field of women's economic and social rights;

(v) The Commission on the Status of Women or the Commission on Human Rights should request that an authoritative study on the relationship between global financial institutions and international human rights norms from a gender perspective be prepared by the Division for the Advancement of Women, in conjunction with the Office of the United Nations High Commissioner for Human Rights;

(vi) The Commission on Human Rights should continue to review the attention that special rapporteurs and other non-conventional mechanisms pay to gender issues. Training and briefings should be provided by the Office of the United Nations High Commissioner for Human Rights, in cooperation with the Division for the Advancement of Women, to the special rapporteurs and other non-conventional mechanisms on the gender dimensions of their mandates and the potential impact of their work on women's enjoyment of their economic and social rights;

(b) States parties to human rights instruments:

(i) States parties to international human rights instruments should renew their efforts to achieve a more appropriate gender balance in the membership of male-dominated human rights treaty bodies. In selecting candidates, States should recognize that an awareness of and sensitivity to gender issues in the field of human rights is an essential aspect of the expertise expected of an independent expert who is to serve as a member of a human rights treaty body;

(ii) States parties to international human rights instruments should request the Secretary-General to ensure that future editions of the *Manual on Human Rights Reporting*[20] fully reflect gender issues in the discussions relating to all human rights treaties covered by the Manual;

(iii) States parties to the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights should ensure that the policies and programmes of financial institutions to which they belong do not violate the rights that they have bound themselves to respect as States parties to those treaties. They should encourage the financial institutions to adopt policies that enhance and improve women's full and equal access to economic and social rights;

(c) Specialized agencies of the United Nations system:

(i) Specialized agencies of the United Nations system should take active measures to enhance their engagement, in a systematic and sustained manner, with the Committee on Economic, Social and Cultural Rights in order to strengthen the Committee's attention to women's enjoyment of their economic and social rights;

(ii) Specialized agencies, in particular the ILO, should conduct research to identify areas of women's work that are insufficiently covered by international norms and standards, and to contribute to the gender-sensitive interpretation of existing standards and norms. Particular attention should be paid to providing adequate standards of protection and promotion of women workers' rights in the informal sector. ILO constituents should devote increased attention to sexual harassment in the workplace as a violation of women's human rights, and as an obstacle to women's active participation in the world of work. The ILO and other specialized agencies should further disseminate international standards and norms relating to women's

economic and social rights, and should encourage States to ratify or accede to such instruments;

(iii) Initiatives of specialized agencies that indicate greater awareness of and commitment to the rights and gender dimensions of their mandates should be consolidated, utilized and further developed by all actors in the field of human rights and gender equality. The example of the Rome Declaration on World Food Security and Plan of Action agreed at the World Food Summit organized by the Food and Agriculture Organization of the United Nations (FAO) in 1996 should be used as an example in this regard;

(iv) Steps should be taken to integrate, where appropriate, a rights approach to the policies and programmes of specialized agencies and other entities of the United Nations system. As in the case of UNICEF and the Convention on the Rights of the Child, this may include the elaboration of standards, whether by way of treaty or declaration, statements of principles, recommendations or other normative measures;

(v) Specialized agencies should sensitize staff to the human rights and gender dimensions of their work;

(vi) Specialized agencies, making full use of the expertise and support of gender units or focal points – such as the Division for the Advancement of Women of the United Nations Secretariat – should institutionalize the mainstreaming of a gender perspective at all levels and in all areas. Wherever possible, strategies to mainstream a gender perspective in specialized agencies should be closely linked to measures that are designed to integrate a human rights dimension into the work of the agencies;

(d) Regional bodies: various regional bodies should undertake steps so as to reinforce the integration of women's full and equal enjoyment of their economic and social rights within their respective mandates. The establishment of an African court on human rights, as well as the adoption of an additional protocol to the African Charter on Human and Peoples' Rights concerning women's rights, should be supported and encouraged. Collaboration between the Inter-American Commission on Women and the Inter-American Commission on Human Rights should be strengthened. The Council of Europe should be encouraged to restart its negotiations relating to the elaboration and adoption of an additional protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms recognizing a fundamental right to equality between women and men as an independent, substantive right;

(e) International and regional trade and financial institutions:

(i) International and regional trade and financial institutions should be urged to ensure that their policies, directives and other outputs enhance women's enjoyment of economic and social rights. This would require as a first step the identification of key gender-equality objectives as an integral part of the overall policy goals of those institutions;

(ii) The World Bank and other international financial institutions should be urged to integrate human rights impact assessments and gender impact analysis into the programme formulation procedures of the organization;

(f) Non-governmental organizations:

(i) International non-governmental organizations should both reflect gender-equality objectives in their policies and programmes, and fully integrate economic and social rights into their activities;

(ii) Non-governmental organizations should be encouraged to submit to human rights treaty bodies "shadow" reports on economic and social rights that include a gender analysis. National non-governmental organizations, especially non-governmental organizations not in consultative status with the Economic and Social Council, should be encouraged to contribute in innovative ways to the work of United Nations human rights treaty bodies, particularly to their consideration of States parties' reports. Information submitted to United Nations special procedures and mechanisms on human rights should include gender-specific information. They should also target other international bodies and processes with a significant economic and social rights and gender dimension, such as the ILO, WHO, FAO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank (including its Inspection Panel), and the World Trade Organization;

(g) Transnational corporations: the activities of transnational corporations require action at the national and international levels to encourage and enforce conduct conducive to women's enjoyment of economic and social rights. Governments should enact and enforce laws to prevent and prohibit violations of economic and social rights by transnational corporations, including discrimination against women in this sphere. Governments should create incentives to encourage transnational corporations to

actively promote women's enjoyment of economic and social rights.

V. The girl child

105. In the critical area "The girl child" (chap. IV.L), the Beijing Platform for Action emphasizes that discrimination and neglect in childhood can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream (para. 260). It recommends that "initiatives be taken to prepare girls to participate actively, effectively and equally with boys at all levels of social, economic, political and cultural leadership" (para. 260). Governments are called upon to eliminate all forms of discrimination against girls, including in education, skills development and training and in health and nutrition, and to eliminate negative cultural attitudes and practices against girls, their rights and increase awareness of girls' needs and potential. The concerns of girls and young women addressed in this critical area of the Platform for Action are amplified in its other critical areas.

106. The issue of the girl child was firmly placed on the international agenda by the 1990 Declaration of the World Summit for Children, which accorded priority attention to the girl child's survival, development and protection. At the World Summit, the international community acknowledged that the equal rights of girls and the equal participation of women in the social, cultural, economic and political life of societies is a prerequisite for successful and sustainable development. The Programme of Action of the International Conference on Population and Development (ICPD) in 1994 also highlighted the need to improve the situation of the girl child, eliminate all forms of discrimination against her and increase public awareness of her value. The Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Child contain mutually reinforcing principles which, if fully implemented, would ensure the protection and fulfilment of the rights of girls and contribute to ending gender-based discrimination.

A. The situation of the girl child

107. Despite the world community's agreed commitments and legal obligations and general progress in improving the health, nutrition and education of children, the situation of girls continues to be disadvantaged compared to that of boys in many parts of the world. Prevailing cultural and social attitudes about girls' roles and the division of labour in everyday life influences girls' status. Worldwide, approximately 500 million children start primary school, but more than 100 million children – two thirds of them girls – drop out before completing four years of primary school.[21] In many countries, girls are breastfed for shorter periods than boys.[21] They are fed less than their brothers, forced to work harder, provided less schooling and denied equal access to medical care. They marry earlier and face greater risks of dying in adolescence and early adulthood because of early and too closely spaced pregnancies. In societies in which sons are preferred over daughters for social, cultural and economic reasons, from early stages of their lives girls become aware that less value is placed upon them.[21]

108. In many countries, girls are expected more often than boys to assist their mothers and labour inside the home or in family enterprises. These efforts are unacknowledged or underrated by family members, and rarely reflected in national accounts. In many families and communities, there is also less consideration and support given to girls' education and career development than to boys'. Furthermore, views of girls, like those of their mothers, are often not sought on matters affecting the family, and even less on community matters or other public issues. In such an environment, it is almost impossible for girls to develop physically, mentally and socially to their fullest potential, and to prepare for their roles as full citizens and to undertake unrestricted career choices. In addition, rapid urbanization, growing economic disparities between rich and poor (especially between the resources that women and men control), armed conflict and gender-based violence exacerbate the already vulnerable situation of girls in many parts of the world.

109. Furthermore, globalization, poverty, erosion of values, and family and community ties make adolescent girls increasingly exposed to the sex industry, child pornography, and trafficking in women and children. These phenomena are neither confronted with adequate legal and political measures at the national and international levels nor sufficiently addressed by civil society.

110. Neglect or abuse of girls in childhood generally leads to, or is linked with, a lower status for them as women. This situation not only contradicts the human rights of girls and women but also deprives societies of their full contributions in all spheres of life. If girls are given equal opportunities to develop themselves to their fullest potential, they are more likely to grow up to be empowered women.

111. The increased awareness of prevailing discrimination against the girl child and the results of the 1993 World Conference on Human Rights and the 1995 Fourth World Conference on Women at Beijing, which called for concrete

measures to improve their situation and protect their human rights, led to the elaboration by some Governments, assisted by non-governmental organizations, of new policies and gender-sensitive projects aimed at the improvement of the situation of girls in various sectors. Some positive examples can be noted in this regard. In the area of education, in Malawi primary school textbooks portrayed girls and women in more realistic and positive roles. Funds were provided by the United States Agency for International Development to develop a gender-appropriate curriculum for use in primary schools, teachers' colleges and in-service teacher training. In Zimbabwe, the Ministries of Education and Culture and Higher Education have adopted a policy of positive discrimination in favour of female students with regard to the allocation of advanced level, technical and scientific training places in secondary schools and technical colleges respectively.[22] In Bangladesh, where the Female Education Scholarship Programme (FESP) awarded scholarships to girls in grades 6 to 10, girls' enrolment doubled and drop-out rates were significantly reduced (see CEDAW/C/ZWE/1). The FESP in Nepal showed similar results.[22] In India, a non-governmental organization, in cooperation with the Centre for Development and Population Activities, launched a project that offered training for adolescent girls who dropped out of school.[22] The girls had the possibility to work at home with periodic visits to local training centres. Upon successful completion of their course, they received a high school certificate. In Namibia, the project focused on the preparation of girls for public life and decision-making.[22] The Non-Governmental Organizations Preparatory Committee for the Fourth World Conference on Women has developed an initiative to train young women for leadership positions in the Namibian women's movement, and has provided selected young girls with special financial and academic support. With regard to policies and laws aimed at combating child prostitution, sex tourism, trafficking in children and child pornography, some countries have enacted specific provisions to ensure better protection of children. Sri Lanka amended its penal code to include sexual exploitation and abuse which cover prostitution. The Philippines addressed child prostitution and other sexual abuse in a recent law against child abuse, exploitation and discrimination. The Saint Kitts and Nevis Child Welfare Board Act 1994 defined child abuse.

112. Discrimination against the girl child is particularly marked during adolescence (see CEDAW/C/NAM/1). Adolescence is the period of transition from childhood into adulthood during the second decade of life. It is a time of physical and emotional transition, a critical period for personal development and a stage when impressions are made and minds are formed. It is during adolescence, at home, school and in the community, that girls and boys learn how to relate to others, about their position in society and about the roles they are expected to play as adults. Adolescent girls are often treated as inferior to boys and socialized to have low self-esteem. They may receive conflicting and confusing messages on their gender roles, and may be denied the same opportunities as boys to receive education, skills training and employment, and to improve their status. At the onset of puberty or even before, many are considered adults and face early marriage,[23] premature and/or unwanted pregnancy,[24] and coercion into commercial sex work. There is also a considerable risk that they may become victims of sexual exploitation and/or exposed to the risks of HIV/AIDS.

113. Because of their biological and social role differences, adolescent girls have needs that differ significantly from those of boys. Yet their specific situation and needs remain largely ignored and neglected. And only a few studies have focused on adolescent girls and their situation, or sought to explore ways in which the risks facing adolescent girls can be addressed and their human rights protected.

114. It was in this context that the Division for the Advancement of Women, jointly with UNICEF, UNFPA and the Economic Commission for Africa (ECA), organized an expert group meeting on adolescent girls and their rights from 13 to 17 October 1997 at Addis Ababa. The meeting focused on the following critical questions relevant to improving the situation of adolescent girls:

(a) Adolescent girls in need of special protection, including girls in armed conflict situation; refugee girls; girls who are sexually exploited; girls with disability; working girls; girls living in conditions of temporary or permanent loss of family and/or primary caregivers; and girls affected by deficient laws and abusive legal and judicial processes;

(b) Health, including reproductive and sexual health and nutrition;

(c) Creating an enabling environment for the empowerment of adolescent girls.

115. Since the expert group meeting focused on adolescence, many of the recommendations specifically address this phase of a girl's life. However, most of the strategies resulting from the meeting are relevant to the advancement of girls at any age; they are set out below.

B. Strategies for accelerating implementation

1. General recommendations

116. The creation of an enabling environment for empowering adolescent girls, particularly in line with the Beijing Platform for Action's strategic objectives L.1, L.2, L.4 and L.5, requires the recognition of their specific needs and situation. Resources need to be mobilized and secured to carry out in-depth assessments of the status of adolescent girls. This includes the disaggregation of existing information by sex, age and other relevant variables, and the acquisition and dissemination of new information, including: (a) qualitative and quantitative information about the status of girls; (b) the factors that affect the fulfilment of their rights in society; and (c) what will work best to achieve positive changes for more effective policies and programmes. Such findings should be broadly disseminated, and information-sharing and networking among young people, government agencies, international organizations and non-governmental organizations should be encouraged.

117. The media should lead public information campaigns to eliminate negative cultural attitudes and practices against girls and achieve gender equality within society. Such campaigns, for example, could focus on the historical role played by women in national liberation struggles, negotiating for peace and rebuilding the nation after war, and their past and present roles in national and international development. At the same time, positive role models for girls emphasizing the importance of women's various contribution to society in social, cultural, economic and political activities should be presented by media and through other forms of communication, including traditional communication modes to ensure that messages reach a wide audience. This is also an effective way for boys and men to recognize their equal partnership with the female population since boys and men also need to be trained to be gender-sensitive.

118. Laws and other regulations should be reviewed to eliminate all forms of *de jure* and de facto discrimination against women and girls. It is the obligation of States to ensure that rights of girls are respected, protected and promoted. At the same time, initiatives should be taken to ensure that girls participate actively, effectively and equally with boys at all levels of social, economic, political and cultural activities, and to encourage positive interaction for girls and boys throughout those activities.

119. States that are not parties to the Convention on the Rights of the Child and/or the Convention on the Elimination of All Forms of Discrimination against Women should take urgent measures towards ratifying those Conventions. States that are parties to the two Conventions are urged to ensure their full implementation through the adoption of all necessary legislative, administrative and other measures, and by fostering and enabling environment that encourages full respect for the rights of adolescent girls. At the same time, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women should be encouraged to make particular reference to the needs and situations of adolescent girls when considering country reports, and their comments should address those issues.

120. The rights of the girl child to the realization of her human potential in all spheres of life should be put at the forefront of action at all levels of society. This requires an approach in which the needs and views of the girl child are elicited and taken into account in the planning, designing, monitoring and evaluation of policies and programmes designed for their benefit. Girls should be trained in advocacy and leadership skills to prepare for active and equal participation in all aspects of civic life. The approach should be multisectoral and holistic, and based on needs and opportunities throughout the life cycle. Government agencies and civil society actors should make every effort to generate and develop a collective understanding of gender issues and their impact on social values, community attitudes and the behaviour of the girl child at the national and community levels.

121. In formulating policies and programmes addressing the rights and needs of the girl child, Governments should pay special attention to the protection of girls from sexual exploitation and abuse, harmful traditional practices, including early marriage, teenage pregnancy and sexually transmitted diseases. They should also address special needs of girls in the situation of armed conflict; refugee girls; working girls; girls in dysfunctional family structures or living in conditions of loss of family or primary caregivers; and girls with disability. Targeted programmes may allow the specific requirements of these girls to be examined in a more detailed manner, which can help to effectively implement policy measures to improve their status. This can be best organized in coordination with non-governmental organizations and community groups whose work involves close interaction with adolescent girls and that are familiar with and sensitive to local culture and social arrangements.

122. All levels of society, including the family, community, governmental and non-governmental institutions, should be involved in implementing policy measures to improve the status of girls. This requires a participatory and holistic approach, actively involving all sectors of society, including

justice, education, health, employment, social welfare, economic planning, religious affairs, youth and culture. Regional and international institutions should collaborate closely and respond to the needs of all actors at the national level. Effective mobilization of the whole community and child-focused community structures at the national and local levels should be given the highest priority to assume responsibility for situation analysis, advocacy, monitoring, protection, recovery, rehabilitation and the participation of the girl child.

2. Adolescent girls in need of special protection

123. Several factors are contributing to the growing number of adolescent girls in difficult circumstances, such as war, civil strife, ethnic conflict, lack of legal mechanisms to punish perpetrators, increasing substance abuse, changing value systems in transitional economies, and the general increase in dysfunctional family structures due to, for example, overseas migration of primary caregivers. Governments, international and national organizations and civil society should:

(a) Formulate policies and programmes for the protection, participation and rehabilitation of girls in need of special protection;

(b) Organize community-based actions, including setting up local committees to monitor the implementation of the above-mentioned Conventions, with special focus on adolescent girls;

(c) Promote a child-to-child approach in which trained adolescent girls communicate with, counsel and empower other girls.

124. With regard to girls affected by armed conflict and refugee girls, Governments, international and national organizations and civil society should:

(a) Encourage groups at the community level to take a substantive role in reporting violations of the rights of girls and in providing support services;

(b) Undertake various measures, including training and awareness-raising campaigns, to make personnel involved in peacekeeping and security missions, camp leaders and other support workers gender-sensitive;

(c) Ensure access to education of refugee and displaced girls in camps;

(d) Implement the recommendations in the study on the impact of armed conflict on children (A/51/306 and Add.1), with special emphasis on adolescent girls and in close collaboration with UNHCR and other international aid agencies.[25]

125. In order to advance the status of disabled girls, Governments, international and national organizations and civil society should ensure that disabled adolescent girls have access to medical and social services, and should provide them with education, training and employment opportunities.

126. With regard to adolescent working girls, Governments, international and national organizations and civil society should:

(a) Take a leading role in monitoring and implementing ILO standards and existing national laws on child labour;

(b) Ensure the rights of adolescent working girls to education, health, food, shelter and recreation, and protect them from sexual abuses in the work setting.

127. In order to protect adolescent girls from abuse and trafficking Governments should:

(a) Condemn and prosecute the perpetrators of violations of the rights of girls and groups and individuals operating in the sex industry;

(b) Review or enact legal intercountry adoption laws and policies to prevent trafficking of girls under the guise of adoption;

(c) In coordination with civil society, support the recovery of victims by establishing recovery centres with specially trained personnel;

(d) Completely ban child pornography, and strictly prosecute persons engaged in the production and distribution of such materials.

3. Health of adolescent girls

128. Health is a state of complete physical, mental and social well-being, and not merely the absence of disease and infirmity. The health of adolescent girls is closely linked to the developmental nature of this period of life. In order to promote the health of adolescent girls, the Governments, international and national organizations and communities should:

(a) Provide a supportive and safe environment at homes, schools and workplaces, and give due attention to the health and well-being of adolescent girls;

(b) Establish coalitions of concerned organizations and individuals to advocate for adolescent girl's

reproductive and sexual health and for eliminating traditional practices that are harmful to the health of girls;

(c) Support provision of comprehensive and accurate information and education about adolescent girls' health through multiple sources, including homes, schools, outreach programmes, youth centres, religious institutions, health services, media and social marketing programmes;

(d) Provide girls with the opportunity to participate in sports and recreational activities.

129. In view of the importance of grounding policies and programmes solidly in reality and in order to provide better quality information on the health status and needs of adolescent girls, national and international statistical and research institutions should:

(a) Disaggregate data on adolescents by age and sex;

(b) Establish and maintain a database on the status of adolescent girls' health and development, including reproductive and sexual health, nutrition and HIV/AIDS;

(c) Develop qualitative and quantitative indicators for the health of adolescent girls and boys, and consider those indicators when programming activities for adolescents;

(d) Disseminate research findings in an accessible format.

130. Health services must be sensitive towards the needs of adolescent girls. Therefore, Governments, non-governmental organizations and public and private service providers should:

(a) Expand services, including counselling to adolescents, by building on existing services, which should ensure privacy and confidentiality, low cost, and accessible hours and sites so as to optimize their use by adolescents;

(b) Ensure that all medical personnel are sensitized and trained with regard to the special health needs of adolescent girls;

(c) Monitor and evaluate existing reproductive health services, and develop guidelines to ensure that they meet the special needs of adolescent girls.

4. Empowerment and human rights of adolescent girls

131. Education, family, culture, the socio-economic environment, law and legal reform, and the role of the media are critical for creating an enabling environment for realizing the human rights of adolescent girls and their empowerment.

132. Education is an important tool for the empowerment of girls. Besides providing access to knowledge, job and career opportunities, education facilitates intellectual and social development, promotes health and contributes to responsible decision-making. Girls are often limited in their access to education and teachers. Moreover, educational materials often reproduce a stereotyped image of girls as passive and destined to serve others. Governments, international and national organizations, civil society and educational institutions should:

(a) Provide affordable gender-sensitive education at all levels and equal career opportunities for both sexes;

(b) Revise educational materials, teaching methodologies and curricula in order to eliminate negative images of girls and include positive role models;

(c) Design curricula that include information on women's contribution to history, development and culture;

(d) Introduce gender training for teachers;

(e) Carry out special programmes for girls who have dropped out of schools.

133. Stereotyped images are a major barrier to the empowerment of adolescent girls. Both families and the mass media play a prominent role in shaping the socially constituted role of girls. Governments, international and national organizations, and civil society should:

(a) Educate family members to respect the rights of adolescent girls according to the positive cultural and spiritual principles inherent within a society;

(b) Encourage parents to share family responsibilities on an equal basis by providing special support, such as parental leave, child-care facilities and family life education;

(c) Establish guidelines for the media and utilize the potential of media in order to change the prevailing negative images of women and to promote the advancement of adolescent girls.

134. In order to foster in adolescent girls a sense of their own potential to develop and contribute as responsible citizens to society, Governments, educational institutions and professional associations, jointly with non-governmental organizations, should:

(a) Actively involve boys and men in all efforts to improve the situation of adolescent girls;

(b) Re-examine cultural traditions and practices so as to discover positive traditions that reinforce the international human rights standards regarding girls;

(c) Share best practices from other countries and communities to illustrate that investments in the human development of adolescent girls are of critical importance to the well-being and progress of the family, community and the nation;

(d) Develop institutional mechanisms that will enable the consideration of views expressed by adolescent girls and women when formulating laws and national development policies and projects, and use such institutional mechanisms to provide for a gender-impact assessment of those policies and projects.

Notes

[1] See *Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14-30 July 1980* (United Nations publication, Sales No. E.80.IV.3), chap. I, sect. A, para. 141 (f); *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, Venezuela, 25 August-5 September 1980* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

[2] See *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace* (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A, paras. 258, 261, 262, 288, 290, 291 and 297.

[3] See for example, the report of an expert group meeting on violence in the family, with special emphasis on its effects on women, 1986, and the report of an expert group meeting on measures to eradicate violence against women, 1993.

[4] See Office of the United Nations High Commissioner for Refugees, *The State of the World's Refugees: The Challenge of Protection* (London, Penguin Books, 1993).

[5] See also Office of the United Nations High Commissioner for Refugees, *Guidelines for the Protection of Refugee Women* (Geneva, 1991), paras. 30-43.

[6] *Gagovic and Others: The "Foca" Indictment* IT-96-23-I, 26 June 1996.

[7] Before the Yugoslav Tribunal, see *in re* Karadzic and Mladic indictment (Prosecutor v. Radovan Karadzic and Ratko Mladic), 1995 ICTY, No. IT-95-5-I (25 July); before the Rwanda Tribunal, see *in re* Jean Paul Akayesu amended indictment (Prosecutor v. Jean Paul Akayesu), ICTR-96-4-T, 30 June 1997.

[8] Commission decision No. 3, "Personal injury and mental pain and anguish", specifically recognizes that serious personal injury includes instances of physical or mental injury arising from sexual assault.

[9] See *Aydin v. Turkey*, European Court of Human Rights, September 1997.

[10] See *Jane Doe I and Jane Doe II v. Karadzic*, United States District Court Civil Case, No. 93 0878 PKL, complaint, and *Kadic and others v. Karadzic*, United States District Court, Civil Action, No. 93-Civ-1163, complaint, p. 11.

[11] For example, "Guidelines on women refugee claimants fearing gender-related persecution", issued by the Chairperson of the Canadian Immigration and Refugee Board in March 1993 and reissued in 1996; "Considerations for asylum officers adjudicating asylum claims for women", issued by the United States Immigration and Naturalization Service in 1996; "Guidelines in gender issues for decision makers", issued by the Australian Department of Immigration and Multicultural Affairs in 1996.

[12] The report of the meeting is available from the Division for the Advancement of Women.

[13] See, for example, the concluding comments of the Human Rights Committee regarding the third periodic report of Peru. In this case, clandestine abortions were the main cause of maternal mortality, and provisions criminalizing abortion even for pregnancies resulting from rape were found by the Committee to subject women to inhumane treatment, and to be possibly incompatible with articles 3, 6, and 7 of the Covenant. Consequently, the Committee recommended that Peru take the necessary measures to ensure that women do not risk their life because of the existence of restrictive legal provisions on abortions (see A/52/40, paras. 160 and 167). The Committee on Economic, Social and Cultural Rights increasingly assesses how women's enjoyment of economic, social and cultural rights compares to men's with regard to work-related rights, and the impact of violence against women and of societal attitudes towards women in this regard. See, for example, the Committee's concluding comments on Ukraine (E/1996/22, paras. 263 and 272). In its concluding comments on Algeria, the Committee deplored the fact that such fundamental freedoms as the rights to work, education and freedom of movement, and the right to freely choose a spouse are not fully guaranteed for Algerian women (E/1996/22, paras. 294 and 298).

[14] As of 1 January 1998, there are 161 States parties to the Convention.

[15] A rights-based approach is increasingly underpinning the work of United Nations funds and programmes. For example, in January 1996, UNICEF's Executive Board endorsed an approach to the UNICEF follow-up to the Fourth World Conference on Women that, *inter alia*, emphasizes children's and women's rights, enabling UNICEF to use a rights approach to strengthen action at both the policy and programming levels. The United Nations Development Programme is establishing the link between sustainable human development and the protection and promotion of human rights.

[16] A study entitled "Progress and obstacles in the implementation of human rights: review of the period 1945-1992", which was prepared for the World Conference on Human Rights, noted that of the 157 States having constitutions, 83 per cent covered the three civil freedoms (life, security of person and justice), and the three rights to equality (race, sex, minorities). On the other hand, only 38 per cent covered the group of seven economic and social freedoms (forced labour, child labour, freedom of association

and the rights to food, health, education and employment) (see A/CONF.157/PC/60/Add.1, para. 19).

[17] For a summary of some of the arguments, see the study *Right to Adequate Food as a Human Right*, prepared by the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities (United Nations publication, Sales No. E.89.XIV.2).

[18] See, in particular, *Women in a Changing Global Economy: World Survey on the Role of Women in Development* (United Nations publication, Sales No. E.95.IV.1), chap. II.

[19] The report of the meeting is available from the Division for the Advancement of Women, as well as on the Division's Web site.

[20] United Nations publication, Sales No. E.91.XIV.1.

[21] See "Women: looking beyond 2000" (United Nations, New York, 1995).

[22] K. M. Kurz, C. J. Prather, "Improving the quality of life of girls" (New York, UNICEF, 1995).

[23] See also "Enabling environment for empowering adolescent girls", background paper prepared by the Division for the Advancement of Women for an expert group meeting on adolescent girls and their rights, Addis Ababa, Ethiopia, 13-17 October 1997.

[24] See *The World's Women 1995: Trends and Statistics* (United Nations publication, Sales No. E.95.XVII.2).

[25] See also "Adolescent girls and their rights: girls in need of special protection", background paper prepared by UNICEF for an expert group meeting on adolescent girls and their rights, Addis Ababa, Ethiopia, 13-17 October 1997.